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**MEMO ENDORSED**

JOHN BAL

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

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DATE FILED: 10/1/14

TELEPHONE  
956-7576

September 25, 2014

Hon. Colleen McMahon  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

10/1/2014  
Defendants should respond to the motion

Re: **Letter Motion**

**Business Watchdog, et al. v. Itex Corporation, et al.**

**Docket No. 13 CV 6794 (CM)**

Dear Hon. McMahon:

I am the plaintiff *pro se* in the above matter. Today, I was advised by a Clerk in the Pro Se Office that I may file a Letter Motion. Please accept this as a Letter Motion<sup>1</sup>.

Plaintiffs respectfully request the court to:

1. **Accept Plaintiffs' RICO Case Statement as an addendum to plaintiffs' First Amended Complaint.**

Defendant ITEX Corporation's (ITEX) pending Motion to Dismiss the complaint alerted plaintiffs of the requirement to file a Plaintiffs' RICO Case Statement (RICO Statement). On September 9, 2014 plaintiffs filed the RICO Statement.

Without identifying a single allegation in the RICO Statement that is not contained in plaintiffs' First Amended Complaint (Amended Complaint), ITEX asserts, "The RICO Case Statement is not conceived to perform the function of an amended complaint, and so on this motion [this Court] can consider only the allegations of the complaint." In the interests of justice, the defendants in this action should not be permitted to escape answering for their widespread criminal acts.

Plaintiffs respectfully ask the court to accept the RICO Statement as an Addendum to Plaintiffs' First Amended Complaint.

<sup>1</sup> If a personal appearance is required for this Letter Motion, or by other court necessity, I respectfully ask that it be scheduled between November 14 and December 10, 2014.

**JOHN BAL**

**2. Add eBuy-Sell.com, Inc. as a plaintiff.**

eBuy-Sell.com, Inc. (eBuy-Sell) made an assignment of this lawsuit to plaintiff John Bal. According to ITEX, this assignment may be permissible under New York case law but is prohibited by Second Circuit case law.

eBuy-Sell's common law and RICO claims are very much intertwined in the matters before this court. Plaintiffs respectfully request that eBuy-Sell be added as a plaintiff so that its claims may be adjudicated in this court. This would conserve the court's and plaintiffs' resources and energy by avoiding the necessity of instituting a separate action and the subsequent possibility of having the two actions joined.

Under penalty of perjury, I state this letter was served upon the attorneys for the defendants by First Class Mail.

Respectfully,

A handwritten signature in black ink, appearing to read "John Bal", written in a cursive style.

JB/

c: Jeremy Goldman, Esq.  
Joseph Maira, Esq.